

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SEAN MICHAEL PELTON,

Plaintiff,

v.

RICHARD AMADOR, et al.,

Defendants.

No. 2:22-cv-0485 AC P

ORDER

Plaintiff, a county jail inmate proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has also filed an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.¹ ECF Nos. 1, 2.

The federal venue statute provides that a civil action “may be brought in (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) if there is no district in which an action may otherwise be brought as provided in

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¹ Because this matter is being transferred to the Northern District of California, the court does not address plaintiff’s in forma pauperis application, nor does it address his motion to change venue and motion to file an addendum to the complaint. See ECF Nos. 2, 5, 6.

1 this action, any judicial district in which any defendant is subject to the court's personal
2 jurisdiction with respect to such action." 28 U.S.C. § 1391(b).

3 In this case, the defendant(s) are located, and the claim arose, in San Francisco County
4 which is in the Northern District of California. Therefore, plaintiff's claim should have been filed
5 in the United States District Court for the Northern District of California. In the interest of
6 justice, a federal court may transfer a complaint filed in the wrong district to the correct district.
7 See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

8 Accordingly, IT IS HEREBY ORDERED that this matter is TRANSFERRED to the
9 United States District Court for the Northern District of California.

10 DATED: March 28, 2022

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12 ALLISON CLAIRE
13 UNITED STATES MAGISTRATE JUDGE
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